

WARRANT IN DEBT (CIVIL CLAIM FOR MONEY)

Commonwealth of Virginia VA. CODE § 16.1-79

Buchanan County

CITY OR COUNTY

General District Court

1012 Walnut St. #328 Grundy, VA 24614

STREET ADDRESS OF COURT

TO ANY AUTHORIZED OFFICER: You are hereby commanded to summon the Defendant(s).

TO THE DEFENDANT(S): You are summoned to appear before this Court at the above address on

10/23/17 @ 1:00 PM to answer the Plaintiff(s)' civil claim (see below)

RETURN DATE AND TIME

9/28/17 Philip Lewis

DATE ISSUED

CLERK DEPUTY CLERK MAGISTRATE

CLAIM: Plaintiff(s) claim that Defendant(s) owe Plaintiff(s) a debt in the sum of

998.45 net of any credits, with interest at 5 % from date of until paid,

costs and \$ attorney's fees with the basis of this claim being

Open Account ☒ Contract ☐ Note ☐ Other (EXPLAIN)

Breach of Contract

Damages for Breach of Contract

HOMESTEAD EXEMPTION WAIVED? ☐ YES ☐ NO ☐ cannot be demanded

9/28/17

DATE

Philip Lewis

PLAINTIFF PLAINTIFF'S ATTORNEY PLAINTIFF'S EMPLOYEE/AGENT

CASE DISPOSITION

JUDGMENT against ☐ named Defendant(s) ☐

for \$ net of any credits, with interest at % from date

until paid, \$ costs and \$ attorney's fees  
HOMESTEAD EXEMPTION WAIVED? ☐ YES ☐ NO ☐ CANNOT BE DEMANDED

JUDGMENT FOR ☐ NAMED DEFENDANT(S) ☐

NON-SUIT ☒ DISMISSED

Defendant(s) Present? ☐ YES ☐ NO

Plaintiff failed to appear. Defendant provided evidence that Plaintiff was owed and that suit was for Virginia Code 8.01-331(c) on this date that the document to which this authentication is affixed is a true copy of a record in the above-named court, made in performance of my official duties.

10/23/17

DATE

JUDGE

CASE NO. V 100181

Scott, Melinda L.



Appalachian Rental Solutions

DEFENDANT(S) (LAST NAME, FIRST NAME, MIDDLE INITIAL)

Smith, Melissa

20089 Riverside Dr.

Grundy, VA 24614

WARRANT IN DEBT

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TO DEFENDANT: You are not required to appear, however, if you fail to appear, judgment may be entered against you. See the additional notice on the reverse about requesting a change of trial location.

To dispute this claim, you must appear on the return date to try this case.

To dispute this claim, you must appear on the return date for the judge to set another date for trial.

Bill of Particulars

ORDERED DUE

Grounds of Defense.

ORDERED DUE

ATTORNEY FOR PLAINTIFF(S)

ATTORNEY FOR DEFENDANT GENERAL DISTRICT

I, the undersigned clerk or deputy clerk of the above-named court, authenticate pursuant to Va. Code 8.01-331(c) on this date that the document to which this authentication is affixed is a true copy of a record in the above-named court, made in performance of my official duties.

10/14/21

DATE

CLERK/DEPUTY CLERK

Emily McCloud

HEARING DATE AND TIME

10/23/17

JUDGMENT PAID OR SATISFIED PURSUANT TO ATTACHED NOTICE OF SATISFACTION.

DATE

CLERK

DISABILITY ACCOMMODATIONS for loss of hearing, vision, mobility, etc., contact the court ahead of time.



NAME McCluskey, Sam  
ADDRESS Greenwood Ave  
  
☒ PERSONAL SERVICE Tel. No. \_\_\_\_\_  
Being unable to make personal service, a copy was delivered in the following manner:  
  
☐ Delivered to family member (not temporary clerk of the court or guest) age 16 or older at usual place of residence pursuant to Va. Code § 20-103, that the defendant is in the custody of its purport. List name, age of defendant, made present, and relation of recipient to party named above.  
James McCluskey  
DEPUTY CLERK  
  
☐ Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)  
  
☐ Served on Secretary of the Commonwealth  
  

☐ NOT FOUND

  
Serving Officer L. J. Smith  
for Ray Zook  
DATE 10-5-17

FORM DC-412X REVERSE REVISED 07/04



**PETITION FOR PROCEEDING IN CIVIL CASE  
WITHOUT PAYMENT OF FEES OR COSTS**

COMMONWEALTH OF VIRGINIA VA.CODE §§ 16.1-69.48:4; 17.1-606

Case No. ....

Buchanan County  
Scott, Melinda
☐ Juvenile & Domestic Relations District Court  
☐ Circuit Court ☒ General District Court
v. Appalachian Rental Solutions

The undersigned petitioner(s) request the court to permit the petitioner(s) to sue or defend a civil case in this court without the payment of fees or costs and to have from all officers all needful services and process. In support of the petition, the petitioner(s) state that the following information is true:

☒ I currently receive the following type(s) of public assistance in Wise County, VA  
CITY/COUNTY
☐ TANF \$ ..... ☒ Medicaid ☒ Supplemental Security Income \$ 735
☒ SNAP (food stamps) \$ 809 ☐ Other (specify type and amount) .....

☐ I currently do not receive public assistance.

Names and address of employer(s) for myself and spouse:

 Self Appalachian School of Law (Student)  
 Spouse (watches our children while I attend classes) / watches disabled child
**NET INCOME:**Pay period (weekly, every second week, twice monthly, monthly) ..... Self n/a Spouse n/aNet take home pay (salary/wages, minus deductions required by law) ..... \$ n/a n/aOther income sources (please specify) ..... \$ 500 0
SSI for disabled child (\$735/mo) student loans (\$800/mo) **TOTAL INCOME** \$ 800 + 0 = 800 **A**
**ASSETS:**Cash on hand ..... \$ 20 0Bank Accounts at: Wells Fargo ..... \$ 7 7Any other assets: (please specify) ..... \$ 0 0..... with a value of ..... \$ 0 0Real estate - \$ ..... \$ 0 0

NET VALUE

 Motor Vehicles { 2004 Chevy Suburban with net value of \$2000 \$ .....  
YEAR AND MAKE

 { 2009 Ford Mercury with net value of \$1500 \$ .....  
YEAR AND MAKE
Other Personal Property: (describe) n/a ..... \$ ..... **COURT USE ONLY****TOTAL ASSETS** \$ 27 + 7 = 34 **B**
6 Number in household I have financial responsibility for, including myself.
**EXCEPTIONAL EXPENSES (Total Exceptional Expenses of Family)**Medical Expenses (list only unusual and continuing expenses) ..... \$ 75Court-ordered support payments/alimony ..... \$ 0
☐ deducted from paycheck ☐ not deducted from paycheck
Child-care payments (e.g. day care) ..... \$ 0Other (describe): Gas and book expense for (\$450/mo) attending law school \$ 450**TOTAL EXPENSES** \$ 525 **COURT USE ONLY**

COLUMN "A" plus COLUMN "B" minus

COLUMN "C" equals available funds =

ACKNOWLEDGEMENT

I understand that the court cannot provide me with legal advice, and that it may be advisable to get advice from a lawyer.

9/28/17

DATE

*Melinda Scott*

SIGNATURE - PETITIONER

MELINDA SCOTT

PRINT NAME - PETITIONER

[REDACTED]

SIGNATURE - PETITIONER

PRINT NAME - PETITIONER

RESIDENCE ADDRESS OF PETITIONER

ORDER

- ☒ The petition is granted.
- ☐ The petition is denied.

9/28/17

DATE

*[Signature]*

JUDGE



August 24, 2017

By mutual agreement the lease between Appalachian Rental Solutions, LLC and Melinda and Marshall Scott is being dissolved. By signature below, the parties hereby acknowledge and agree that they fully and finally waive and release any and all claims, whether known or unknown, that each one may have against the other and also acknowledge that by signing this agreement they understand all terms and conditions herein.

A security deposit of \$800.00 and August rent of \$800.00 was paid for a total of \$1,600.00. The following itemizes the refund being made back to Melinda Scott on this date via a cashier's check.

There are 31 days in August and you did not move into the 5th of the month and there are 7 days left in August (last date staying 08.24.2017) so  $\$800 / 31 = \$25.81$  daily.

$\$25.81 \times 5 = \$129.50$

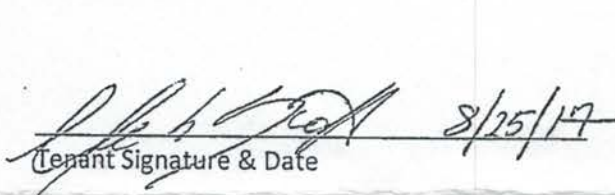
$\$25.81 \times 7 = \$180.67$


Total Rent Refund = \$310.17 (rent through 08.24.2017)

Security deposit = \$800.00

Total refund = \$1,110.17

  
Appalachian Rental Solutions, LLC, Representative  
Signature & Date

 8/25/17  
Tenant Signature & Date

 8/25/17

  
Witness (Signature & Date)

PC: Appalachian Rental Solutions, LLC  
Melinda Scott

**JUSTICE LAW OFFICE, P.C.**

*Attorneys at Law*

**P.C. JUSTICE, JR.**

P.O. Box 1068 • Grundy, Virginia 24614

**JANICE L. DAVIS**

**R.J. THORNBURY**  
Licensed in VA & KY

Telephone: (276) 935-7937

Facsimile: (276) 935-2269

**NICHOLAS B. COMPTON**

November 6, 2017

Judy Lyall, Clerk of Court  
Buchanan County General District Court  
Post Office Box 654  
Grundy, Virginia 24614

*Re: Melinda L. Scott vs. Appalachian Rental Solutions*

Case Number: GV17-000781

Our File Number: 37919

Dear Judy:

Please find enclosed a Motion for Attorney's Fees for filing in the above-captioned matter. By copy of same to Melinda L. Scott, I am notifying her of the same.

If you have any questions or concerns, please do not hesitate to contact me.

With best regards, I remain

Very truly yours,

  
Nicholas Compton, Esq.

NC/pli

Enclosure

cc: Melinda L. Scott  
Appalachian Rental Solutions



- 1) Defendant **DENIES** it breached the initial rental contract, nor the two additional amendments to the initial rental contract, nor the joint release of claims signed by each party.
- 2) Defendant asserts that both Plaintiff and Defendant signed a joint release agreement in which both parties waived "any and all claims, known or unknown" they may have against the other party.
- 3) On the 28<sup>th</sup> day of September 2017, after Plaintiff signed the mutual release and after receiving and cashing a certified check from Defendant, Plaintiff filed a breach of contract action against the Defendant concerning the rental contract, knowing that the parties had executed a joint release for "any and all claims" against the other party.
- 4) Defendant claimed damages in the amount of \$998.45, plus interest at 5% interest.

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Case No.: CL17-000781  
Defendant's Response and Motion for Attorney's Fees  
November 6, 2017  
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- 5) The Court scheduled a hearing on this complaint on the 23<sup>rd</sup> day of October 2017 at 1:00 p.m.
- 6) Defendant received notice of the hearing and appeared, with counsel, at the date and time scheduled by the Court.
- 7) The Court called the case and Plaintiff failed to appear to present her claim.
- 8) Defendant presented the joint release, moving it into evidence as Defense Exhibit 1, and *ore tenus*, moved the Court, pursuant to Va. Code § 8.01-271.1, for an award of attorney's fees to defend this warrant in debt.
- 9) The Court granted Defendant's motion and awarded attorney's fees in the amount of \$750.00 dollars.
- 10) After Defendant and counsel left the courthouse, Plaintiff appeared and moved the Court to reinstate this action for further proceedings, knowing that she had previously executed the joint release of "any and all claims, whether known or unknown."
- 11) The Court granted Plaintiff's *ore tenus* motion to reinstate the complaint and scheduled a hearing for November 27, 2017 at 1:00 p.m.
- 12) Plaintiff signed her pleadings which signifies that she:

(i) has read the pleading, motion, or other paper, (ii) to the best of [her] knowledge, information and belief, formed after reasonable inquiry, it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and (iii) it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

An oral motion made by an attorney or party in any court of the Commonwealth constitutes a representation by him that (i) to the best of [her] knowledge, information and belief, formed after reasonable inquiry, it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and (ii) it is not interposed for any



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improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

Va. Code § 8.01-271.1 (2017) as amended. (Emphasis added.)

13) Defendant asserts that Plaintiff filed the original warrant in debt to harass Defendant and to increase Defendant's costs and Plaintiff's *ore tenus* motion for a rehearing has no foundation in law or fact thereby increasing Defendant's costs and attorney's fees.

14) Plaintiff failed to appear at the appointed time she requested for her hearing, which demonstrates her disregard for Defendant's time and the time of Defendant's counsel.

15) Plaintiff's original action has no basis as she endorsed a joint release for "any and all claims, know or unknown" she may have had against Defendant.

16) Further, Defendant waived "any and all claims" it had against Plaintiff and returned over \$1,000.00 dollars to Plaintiff, despite certain remedies afforded Defendant.

17) Plaintiff's original action and the motion to rehear have no foundation in fact and law and only serve to harass, cause unnecessary delay and needless increase in costs for Defendant.

**WHEREFORE**, Defendant, by counsel, pursuant to Va. Code § 8.01-271.1 moves this Honorable Court to award attorneys fees and other reasonable expenses necessary to defend this frivolous action, including the additional time and costs, including additional attorney's fees, to address the motion to rehear.

Appalachian Rental Solutions

By Counsel

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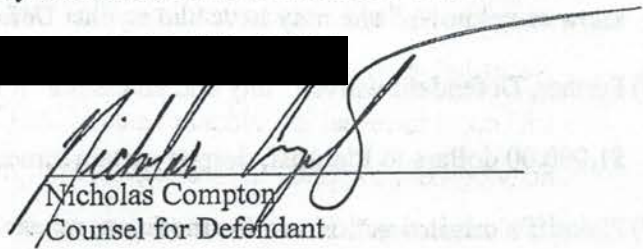
By: 

Nicholas Compton, Esq. (VSB#: 46213)  
Justice Law Office, P.C.  
P.O. Box 1068  
Grundy, VA 24614  
(276)-935-7937  
(276)-935-2269 (Fax)

**CERTIFICATE OF SERVICE**

I hereby certify that on this 6<sup>th</sup> day of November 2017, I mailed a true copy of the foregoing Defendant's Motion for Attorney's Fees via United States First Class Mail to: Melinda

L. Scott at 

  
Nicholas Compton  
Counsel for Defendant